

SMITH EIBELER, LLC
Robert W. Smith, Esq.
101 Crawfords Corner Road, Suite 1-105R
Holmdel, New Jersey 07733
Tel: (732) 935-7246
Fax: (732) 444-1096

MARKOVITS, STOCK & DEMARCO, LLC
3825 Edwards Road, Suite 650
Cincinnati, Ohio 452069
Tel: (513) 651-3700
Fax: (513) 665-0219

Attorneys for Plaintiff

In the United States District Court
for the District of New Jersey

Daniel Kessler,

Plaintiff,

v.

Joarder Properties Limited Liability Company,
et al.

Defendants.

Case No. 1:18-cv-11867-RMB-KMW

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS**

TO: Kathleen M. Caminiti, Esq.
Fisher & Phillips, LLP
430 Mountain Avenue, Suite 303
Murray Hill, NJ 07974

PLEASE TAKE NOTICE that on November 5, 2018, or as soon thereafter as counsel may be heard, Plaintiff shall apply on Motion to the United States District Court for the District of New Jersey before the Honorable Renee Marie Bumb, U.S.D.J., for an Order dismissing the claims of Plaintiffs, Daniel Kessler, George Harmis, David Nesbihal, Bernard Peraino, Sean Rogawski and Vincent Viespoli without prejudice; and

PLEASE TAKE FURTHER NOTICE that, in support of its motion, Plaintiff relies upon the Brief submitted in support hereof.

Dated: October 8, 2018

s/ Robert W. Smith
SMITH EIBELER, LLC
Robert W. Smith, Esq.
101 Crawfords Corner Road, Suite 1-105R
Holmdel, New Jersey 07733
Tel: (732) 935-7246
Fax: (732) 444-1096
Email: rsmith@smitheibeler.com

Attorney for Plaintiff